



DEPARTMENT OF DEFENSE
OFFICE OF SECURITY REVIEW
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

August 6, 2007
Ref: 07-S-2209

Mr. Lionel Kennedy
Deputy Counsel
Office of Intelligence Policy and Review USDOJ/NSD
950 Pennsylvania Ave., NW Suite 6150
Washington, DC 20530

Dear Mr. Kennedy:

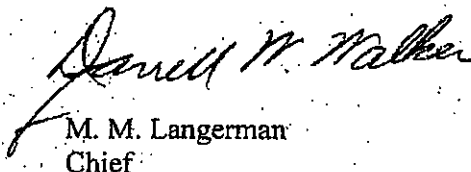
This responds to your request of June 27, 2007, that forwarded for security review a manuscript by Mr. Jack Goldsmith, Esq., entitled:

- *The Terror Presidency: Law and Judgment Inside the Bush Administration*

The Department of Defense (DoD) has completed its review of its equities and the DoD information is **CLEARED/AS AMENDED** for public release, subject to correction of the information in Chapter 4 on page 3 for accuracy (as noted at the enclosure). Because we reviewed for DoD equities only we defer to the Department of Justice and the Central Intelligence Agency for information in the manuscript under the purview of these agencies. This clearance does not include any photograph, graphic, exhibit, caption or other supplemental material not provided for review and specifically cleared by this office.

Copies of your letter and the manuscript are enclosed. Please direct any questions regarding this case to Mr. Art Horn at (703) 696-4536, e-mail address: arthur.horn@whs.mil. For your information, our new website is located at <http://www.dtic.mil/whs/esd/osr/index.htm>.

Sincerely,


M. M. Langerman
Chief

Enclosures:
As stated

Tiernan, Kevin

From: Horn, Arthur, CIV WHS/ESD [arthur.horn@whs.mil]
Sent: Monday, August 06, 2007 1:05 PM
To: Kennedy, Lionel; Tiernan, Kevin
Cc: Langerman, Mark CIV WHS/ESD; Walker, Darrell CIV WHS/ESD
Subject: RE: FYI/SR -- DoJ/Manuscript -- 07-S-2209/As Amended (FOUO)
Signed By: There are problems with the signature. Click the signature button for details.

Importance: High

Attachments: 07s2209 (FOUO).tif



07s2209 (FOUO).tif

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Lionel & Kevin

The DoJ manuscript you submitted for Mr. Goldsmith on June 27, 2007, for security review has been completed. This document entitled, "The Terror Presidency: Law and Judgment Inside the Bush Administration," by Mr. Jack Goldsmith, Esq., has been cleared/as amended for public release. The manuscript was reviewed for DoD equities and one accuracy amendment has been made to Chapter 4/Page 3 as noted at the enclosure. With this amendment DoD has no objection to public release of this manuscript by DoJ.

This is our SR case 07-S-2209. Please see the enclosed DoD response letter. I have also attached a stamped electronic copy of the manuscript title page and a copy of Page 3 from Chapter 4 for your use pending receipt of your stamped original copy via U.S. Mail. Your original copy has been routed today for delivery to you in the near future.

This document may now be approved by DoJ for public release. DoD defers to DoJ & CIA for information in the manuscript under the purview of these agencies.

Please let me know if you have any questions.

THANK YOU!

Art Horn
Security Review Officer
Office of Security Review
(703) 696-4536
OSR Website:
<http://www.dtic.mil/whs/esd/osr/index.htm>

Enclosure: 07-S-2209 w/DoD Letter

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-----Original Message-----

From: Horn, Arthur, CIV WHS/ESD
Sent: Monday, August 06, 2007 10:55 AM
To: 'Tiernan, Kevin'

Subject: RE: FYI/SR -- DoJ/Manuscript -- Update
Importance: High

Kevin,

Good morning! I hope you have a good weekend. The final input for Mr. Goldsmith's manuscript was received this morning. There are no additional changes. The DoD review will be completed today and I hope to have a copy of our response letter to you in a few hours. There will just be the one accuracy change in Ch. 4/page 3 we discussed earlier. This change has been previously provided to Mr. Goldsmith so he has the only DoD change. I'll send you a copy of the response letter with the amendment via e-mail (for your use today) and will then mail the original copy to your office for your files. I also replied to Mr. Kennedy's e-mail query this morning.

Please let me know if you have any questions.

THANK YOU VERY MUCH!

CHEERS!

Art Horn
(703) 696-4536

-----Original Message-----

From: Horn, Arthur, CIV WHS/ESD
Sent: Friday, August 03, 2007 4:53 PM
To: 'Tiernan, Kevin'
Cc: Langerman, Mark CIV WHS/ESD; Walker, Darrell CIV WHS/ESD
Subject: RE: FYI/SR -- DoJ/Manuscript -- Update/Reply
Importance: High

Kevin,

I spoke with DoD/Policy again this afternoon but they will not complete their review today. I briefed them again on the urgency involved and I told them that we had to have their input by 1200 on Monday. We will complete the DoD review by Monday afternoon. At this time there are no security issues with the manuscript and only one change for accuracy which was provided to you previously and sent to Mr. Goldsmith.

I apologize for this additional delay but will ensure we wrap things up as soon as possible on Monday. I have our response package ready to go so we will be able to send you the OSR letter electronically.

Please let me know if you have any questions.

I WILL KEEP YOU POSTED!

THANK YOU!

Art Horn
(703) 696-4536

-----Original Message-----

From: Horn, Arthur, CIV WHS/ESD
Sent: Friday, August 03, 2007 12:47 PM
To: 'Tiernan, Kevin'
Subject: RE: FYI/SR -- DoJ/Manuscript -- Update/Reply
Importance: High

Kevin,

Good afternoon! I spoke with Mr. Kennedy this morning and also queried OUSD(Policy) again.

I am awaiting an update now from DoD/Policy -- this is the last input we need to complete our review for you.
I am trying to complete this today but don't know yet if that will be possible.
I understand the urgency and will do everything that I can to expedite our reply to you.

I have also briefed my leadership on the review status. I understand that we are out of time.
We will make a final decision soon. Please let me know if you have any questions.

I'll send you another update later this afternoon.

THANK YOU!

Art Horn
(703) 696-4536

-----Original Message-----

From: Tiernan, Kevin [mailto:Kevin.Tiernan@usdoj.gov]
Sent: Friday, August 03, 2007 9:16 AM
To: Horn, Arthur, CIV WHS/ESD
Subject: FW: update

Hi Art: Wondering if you still anticipate the review of the Goldsmith book to be complete this week. Thanks for everything,

Kevin Tiernan
National Security Division
United States Department of Justice
202/307-9972

-----Original Message-----

From: Kennedy, Lionel
Sent: Friday, August 03, 2007 8:48 AM
To: Crosland, Theresa; Tiernan, Kevin
Subject: Fw: update

Kevin, Teresa, has DoD finished? Thx, Lionel

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

----- Original Message -----

From: Jack Goldsmith <goldsmith.jack@gmail.com>
To: Kennedy, Lionel
Sent: Thu Aug 02 21:57:19 2007
Subject: update

Lionel: I just wanted to let you know, once again, that I am turning in the copy-edited manuscript at noon tomorrow, after which time any major changes are not possible. And the end of next week is the final date for any changes whatsoever. Please acknowledge receipt. Many thanks, Jack